

# WISCONSIN DEPARTMENT OF REGULATION & LICENSING



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STATE OF WISCONSIN  
BEFORE THE PSYCHOLOGY EXAMINING BOARD

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IN THE MATTER OF THE DISCIPLINARY  
PROCEEDINGS AGAINST:

TERRILL L. BRUETT, Ed.D.,  
RESPONDENT

FINAL DECISION AND ORDER  
LS0103131PSY

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The parties to this action for the purposes of § 227.53, Stats., are:

Terrill L. Bruett, Ed.D.  
536 W23674 Maplewood Terrace  
Waukesha, WI 53186

Wisconsin Psychology Examining Board  
P.O. Box 8935  
Madison, WI 53708-8935

Department of Regulation and Licensing  
Division of Enforcement  
P.O. Box 8935  
Madison, WI 53708-8935

The parties in this matter agree to the terms and conditions of the attached Stipulation as the final decision of this matter, subject to the approval of the Psychology Examining Board. The Board has reviewed this Stipulation and considers it acceptable.

Accordingly, the Board in this matter adopts the attached Stipulation and makes the following:

FINDINGS OF FACT

1. Terrill L. Bruett, Ed.D., Respondent, date of birth August 1, 1945, is licensed by the Wisconsin Psychology Examining Board as a psychologist in the state of Wisconsin pursuant to license number 480, which was first granted September 6, 1973.
2. Respondent's last address reported to the Department of Regulation and Licensing is 536 W23674 Maplewood Terrace, Waukesha, WI 53186.
3. Respondent received a masters degree in clinical psychology from Marquette University in 1969 and a doctorate in educational psychology from the University of Georgia in 1972.
4. From 1971 to 1981, Respondent was employed as a school psychologist by the Milwaukee Public Schools. In 1981, Respondent left employment with Milwaukee Public Schools and began working as a psychologist in an outpatient clinic in Waukesha.

COUNT I – Testimony Regarding Sexual Offender

1981-1989

5. Mr. A was a high school teacher in the Milwaukee Public Schools. In mid-1981, Mr. A was accused of kissing a 17-year-old female student and inappropriately touching her breast.

6. The school principal settled the matter with an agreement that Mr. A would obtain counseling. As a result of the agreement with the principal, Mr. A consulted with his employer's Employee Assistance Program (EAP) and was referred to Respondent by the EAP.

7. Mr. A sought consultation and treatment from Respondent at the Waukesha outpatient clinic. Respondent initially provided professional services to Mr. A in 1981 and provided intermittent services to Mr. A at that clinic until 1989.

8. Respondent wrote to Milwaukee Public Schools EAP in 1981 and in that letter, praised Mr. A's progress, predicted no further problems and recommended that he continue teaching. Respondent did not mention that he had diagnosed Mr. A with pedophilia.

9. Records of professional services provided to Mr. A at the Waukesha outpatient clinic during the period 1981-1989 no longer exist. Those records were destroyed by that clinic after the passage of time, as allowed by law. The following subparagraphs are based entirely on Respondent's memory:

a. In taking an initial history from Mr. A, Respondent learned:

i. Mr. A had been convicted of disorderly conduct a number of years earlier and placed on probation for two years for indecently touching a 12-year-old baby-sitter in March of 1969.

ii. Mr. A had been raised in a sexually promiscuous environment and had become sexually active at age 12 with others of a similar age.

b. Respondent contacted Mr. A's former spouse, who had divorced Mr. A when the baby-sitter incident came to light in 1969. The former spouse told Respondent that Mr. A had also sexually abused their daughter from an early age.

c. Respondent contacted and interviewed Mr. A's daughter, who was at that time a teenager, and confirmed that Mr. A sexually abused her.

d. Respondent diagnosed Mr. A as a pedophile, and believed Mr. A had all the symptoms and problems of a pedophile. Respondent believes he probably also diagnosed Respondent as having a reaction to stress and with an Axis II diagnosis of narcissistic personality disorder.

e. During therapy with Respondent, Mr. A denied being attracted sexually to children and contended that the underage adolescents appeared to be physically older.

## 1990

10. In 1990, Respondent changed employment and began working at a different clinic in Waukesha.

11. In 1990, five girls on the high school diving team Mr. A was coaching accused Mr. A of leering at them, brushing their breasts as he helped them from the pool, patting their bottoms and giving them lingering hugs. Police investigated, but no charges were brought because of the difficulty proving that Mr. A's intent was to obtain sexual gratification. Mr. A agreed to resign from the position of diving team coach, but continued teaching.

12. On October 8, 1990, following the allegations, Mr. A returned to treatment with Respondent. Mr. A denied that there was any sexual component in what he was doing with the girls on the diving team. Respondent noted: "Denial, Rationalization, Poor Impulse Control, Childlike." Respondent diagnosed Mr. A as having acute reaction to stress and impulse control disorder and saw Mr. A for an additional and final session on October 9, 1990.

## 1991

13. Mr. A returned to treatment with Respondent on May 29, 1991 and continued in treatment on a monthly basis through December 1991.

14. During the May 29, 1991 session, Mr. A reported that he was again invading women's personal space by touching and hugging them. The October note indicates that Mr. A was keeping his hands to himself. The December note indicates that Mr. A had placed his hand on a woman's back but was otherwise doing well.

## 1992-1994

15. Mr. A returned to treatment with Respondent again in October 1992. At that time, Respondent reminded Mr. A "of dangers at school" which related to his lack of impulse control. Therapy continued approximately once per

month to June 1993, and it appeared that Mr. A's touching issues were under control.

16. Mr. A saw Respondent on March 2 and April 20, 1994 for marital issues. Mr. A denied having any major issues with women or any legal issues.

#### 1995-1996

17. In March 1995, Mr. A received a 3-day suspension from his employment for kicking a female student in her buttocks. Mr. A returned to treatment with Respondent on May 10, 1995. He told Respondent the kicking was done in a joking manner for the student to "hurry up." Respondent saw Mr. A for sessions on June 19, 1995 and July 17, 1995 and they decided that Mr. A would contact Respondent when school started in September to determine if further sessions would be necessary.

18. In August 1995, Mr. A was charged with second degree sexual assault for touching the breasts of a 12-year-old girl while swimming. On August 21, 1995, Mr. A returned to therapy with Respondent. Mr. A had sessions with Respondent on September 12 and 28, October 2, November 8 and 27, December 19, 1995, January 2 and 22, February 5 and 20, March 5 and 18, April 1 and 15, and May 5, 1996.

19. Respondent diagnosed Mr. A as having an Axis I diagnosis of adjustment disorder with mixed anxiety and depression and an Axis II diagnosis of narcissistic personality disorder.

20. For the first time, it became obvious to Mr. A that there would be serious legal ramifications as a result of Mr. A's conduct. Treatment notes indicate:

a. On August 21, 1995, at the first session following the charges, Mr. A told Respondent that the girl was 13 and said that he accidentally touched her breasts while lifting her out of the water. Although Mr. A was still denying that he had any sexual intent in touching the girl, Respondent concluded that Mr. A was acting as a pedophile again.

b. In a session on October 2, 1995, Mr. A assured Respondent that there were no other sexual issues with children.

c. On November 27, 1995, Mr. A told Respondent that the thrill is the "forbidden fruit."

d. On January 22, 1996, Mr. A first indicated sadness about the effect of his conduct on others. Mr. A admitted he was sexually motivated and Respondent concluded that Mr. A's denial system was breaking down.

21. In February 1996, Mr. A was referred by his attorney for treatment in a specialized sex offender group with Dr. Charles Lodl, a psychologist who specializes in evaluating and treating sex offenders. On May 20, 1996, Dr. Lodl reported:

a. His working diagnosis of Mr. A was: (1) pedophilia, familial and non-familial type, female victims only (he was unable yet to make a determination with respect to the exclusivity of that condition); (2) adjustment disorder with anxiety and depression; (3) personality disorder with passive-aggressive features.

b. Mr. A appeared to be at high risk for re-offense without treatment.

c. If Mr. A were to remain in the community (i.e. not be incarcerated), his treatment needs could be addressed in that treatment program with the assistance of formal supervision.

22. On March 9, 1996, Mr. A pled guilty to two counts of second degree sexual assault. On May 26, 1996, Mr. A's attorney called Respondent to testify on Mr. A's behalf at the sentencing hearing. When Respondent was asked if he had an opinion to a reasonable degree of professional certainty whether Mr. A would reoffend, he testified:

"I believe that this event and the breakthrough that he has had emotionally in understanding the pain that his actions have caused to many individuals has had a significant and profound effect on him and I believe that that along with any imposing of a stayed sentence are going to have significant effects upon him and I very strongly believe that he is not a candidate to reoffend." (emphasis added)

23. Mr. A was sentenced to 40 years in prison and is presently incarcerated.

24. A consensus of the literature in the psychology profession relating to assessment and treatment of sexual offenders, from 1996 through the present:

a. States that sexual offenders, at the time they are charged with criminal

actions based on their behavior, may lose the urge to commit sexual offenses. The same literature indicates that the urges to commit the acts frequently return, sometime after the criminal action is concluded.

b. Supports that a sexual offender's acquisition of empathy for the victims of the offender's actions can contribute to a decrease in likelihood that the offender will reoffend. However, empathy by itself is not sufficient to make it more likely than not that the person will not reoffend.

c. Is inconsistent with the opinion rendered by Respondent on May 26, 1996 during Mr. A's sentencing hearing.

25. The appropriate assessment and treatment of sexual offenders require specialized education and experience.

- o Respondent received no specialized training in assessment or treatment of sexual offenders in the program that resulted in his receiving a doctorate in educational psychology from the University of Georgia in 1972.
- o Respondent has not provided confirmation that he received any formal education in the assessment or treatment of sexual offenders since that time.
- o Prior to 1990, Respondent was employed as a consultant with Wisconsin Correctional Services, a private agency, which among other things, under contract with Milwaukee County, provided pre-trial screening services to recommend whether people who were arrested in the Milwaukee County criminal justice system should be released before trial and provided sentencing options after trial. While in that position, Respondent received some consultation from a psychiatrist regarding sexual offenders.

## COUNT II - MMPI Custody Evaluation

26. In 1995 and 1996, Ms. B and Mr. C were parties in a paternity action in Waukesha County Circuit Court, regarding their son, who was then 8 years old. The proceeding included contested issues regarding primary placement and visitation.

27. It was determined that a custody evaluation should be performed and Respondent was chosen by the guardian ad litem as the person to perform the evaluation. In January 1996, Respondent began the psychological evaluation of Ms. B, Mr. C and their son for the purpose of making recommendations regarding primary physical placement of the child and visitation for the noncustodial parent.

28. As part of his evaluation of Ms. B and Mr. C, Respondent had Ms. B and Mr. C complete the Minnesota Multiphasic Personality Inventory (MMPI), an empirically based measure of adult psychopathology used to assess psychopathology and to help identify personal, social or behavioral problems in adults.

29. Respondent directed Ms. B and Mr. C to take the MMPI test booklets and answer sheets home to take the test and then to return the booklets and completed sheets to Respondent. Ms. B and Mr. C did as Respondent directed and completed the tests at home.

30. Since well before the time Respondent did his evaluation of Ms. B and Mr. C, the publisher of the MMPI has warned practitioners not to allow individuals to complete the answer sheets outside the office, and minimally competent psychologists do not allow the tests to be completed in unsupervised settings.

31. In forensic evaluations, such as the one being performed of Ms. B and Mr. C, it is especially important that the MMPI be completed in a supervised setting so that the evaluator can be certain that the test is actually completed by the person being evaluated.

## CONCLUSIONS OF LAW

1. The Wisconsin Psychology Examining Board has jurisdiction over this matter pursuant to § 455.09, Stats.

2. The Wisconsin Psychology Examining Board has authority to enter into this stipulated resolution of this matter pursuant to § 227.44(5), Stats.

3. Respondent, by engaging in the conduct set out in Count I above, has committed gross negligence in practice and has performed professional services inconsistent with training, education, or experience, which constitutes violations of Wis. Adm. Code § PSY 5.02(2) and (4) and subjects Respondent to discipline pursuant to § 455.09(1)(g), Stats.

4. Respondent, by engaging in the conduct set out in Count II above, has performed professional services inconsistent with training, education, or experience, which constitutes a violation of Wis. Adm. Code § PSY 5.02(4) and subjects Respondent to discipline pursuant to § 455.09(1)(g), Stats.

## ORDER

NOW, THEREFORE, IT IS HEREBY ORDERED:

1. For the violation set out in Count I and Conclusion of Law 3, it is hereby ordered:

- a. Effective immediately, except as provided in subparagraph b below, Respondent shall not evaluate or treat any person known or suspected to have committed a sexual offense or who is thought to have a sexual paraphilia.
- b. For 30 days following the date of this order, Respondent may continue to provide treatment to clients, known or suspected to have committed a sexual offense or thought to have a sexual paraphilia and who were his clients before February 12, 2001, to the extent necessary to terminate therapy or provide referral to another practitioner.
- c. This limitation on Respondent's license shall be removed upon Respondent providing proof sufficient to the Board that Respondent has obtained the training and experience necessary to provide effective evaluation and treatment of sex offenders and paraphilias.
- d. If Respondent desires to enter into a program to obtain training and experience in the evaluation and treatment of sexual offenders and paraphilias, Respondent shall petition the Board for modifications of this limitation, which will allow Respondent to engage in the training program. With the petition, Respondent shall provide the Board with sufficient information about the program and the supervision Respondent will receive in the program, so that the Board may determine whether to grant the petition, and what, if any, requirements to impose regarding Respondent's participation in the program.
- e. Any petition or request for removal of the limitation and any proof of training or experience shall be mailed, faxed or delivered to:

Department Monitor

Department of Regulation And Licensing

Division of Enforcement

1400 East Washington Ave.

P.O. Box 8935

Madison, WI 53708-8935

Fax: (608) 266-2264

2. For the violation set out in Count II and Conclusion of Law 4, Respondent is hereby REPRIMANDED.

3. Violation of any term or condition of this Order may constitute grounds for revocation of Respondent's license as a psychologist in Wisconsin. Should the Board determine that there is probable cause to believe that Respondent has violated the terms of this Order, the Board may order that Respondent's license be summarily suspended pending investigation of and hearing on the alleged violation.

The rights of a party aggrieved by this Decision to petition the Board for rehearing and to petition for judicial review are set forth on the attached "Notice of Appeal Information".

Dated at Madison, Wisconsin this 13th day of March, 2001.

Barbara Van Horne, Ph.D.

Chairperson

Psychology Examining Board